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Juniper Networks, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11	CISCO SYSTEMS, INC.,	)	Case No. 5:14-cv-05344-BLF (PSG)
12	Plaintiff,)	
13	v.	)	DECLARATION OF JOSHUA GLUCOFT
14	ARISTA NETWORKS, INC.,	)	ON BEHALF OF NONPARTY JUNIPER
15	Defendant.	)	NETWORKS, INC. IN SUPPORT OF
		)	CISCO SYSTEMS, INC.'S
		)	ADMINISTRATIVE MOTION TO FILE
		)	DOCUMENTS UNDER SEAL
		)	Judge: Hon. Beth Labson Freeman
		)	Date Filed: December 5, 2014
		)	Trial Date: November 21, 2016

DECLARATION OF JOSHUA GLUCOFT

I, Joshua Glucoft, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel for non-party Juniper Networks, Inc. (“Juniper”) with respect to the third-party subpoena served by defendant Arista Networks, Inc. (“Arista”) in the above-captioned matter. I am a member in good standing of the State Bar of California and have been admitted to practice before this Court. Where expressly indicated, I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I submit this declaration in support of plaintiff Cisco Systems, Inc.’s (“Cisco”) Administrative Motion to File Documents Under Seal (Docket No. 196), which moves the Court for an order to file under seal the following item related to non-party Juniper:

- Exhibit 10 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Supplemental Proposed Discovery Plan (Docket No. 197-11, “Exhibit 10”).

3. In this declaration, I explain why the material cited above is sealable pursuant to Civil Local Rule 79-5 and provide additional facts in support of Cisco’s Administrative Motion to File Documents Under Seal to the extent that the administrative motion pertains to Juniper. Of note, since Cisco’s Response to Arista’s Supplemental Proposed Discovery Plan relates to a non-dispositive discovery motion, the information that Juniper seeks to seal is not subject to a strong presumption of public access. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). Rather, the “good cause” standard of Rule 26(c) of the Federal Rules of Civil Procedure applies to the material that Cisco has moved to seal. *Id.* at 1179.

4. Exhibit 10 contains portions of the transcript of the deposition of Phil Shafer as Juniper’s corporate designee pursuant to a subpoena served on Juniper by Arista. The transcript reflects substantive discussion of the technical underpinnings and development of Juniper’s highly proprietary JUNOS software—which contains much information that Juniper maintains as trade secrets. Juniper expends significant effort in maintaining the secrecy of its source code architecture and development, including, for example, implementing strict screening procedures

1 for visitors to its engineering campus. Public disclosure of essential nonpublic facts about
2 Juniper's JUNOS software could materially impair Juniper's intellectual property rights and could
3 cause serious competitive consequences to Juniper's business positioning.

4 5. For these reasons, there is good cause to seal Exhibit 10 under the standard
5 applicable to non-dispositive motions.

6 Executed on February 29, 2016, at Los Angeles, California.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct to the best of my knowledge.

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10 /s/ Joshua Glucoft

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